

780 CMR R4

USE OF NATIVE LUMBER

780 CMR R4.1 ADMINISTRATION

R4.1.1 Title: As authorized by St. 1972, 802, and in accordance with 780 CMR 123 establishing the Construction Materials Safety Board, 780 CMR R4 is adopted for Controlling the Use of Native Lumber.

R4.1.2 Definitions: Unless otherwise expressly stated in 780 CMR, the following terms shall, for the purpose of 780 CMR R4, have the meaning indicated in 780 CMR R4.1.2.

BBRS: State Board of Building Regulations and Standards

Board: Construction Materials Safety Board

Native Lumber: Native lumber is wood processed in the Commonwealth of Massachusetts by a mill registered in accordance with the regulations of the BBRS. Such wood is ungraded but is stamped or certified in accordance with the requirements of 780 CMR 2303.1.1. For the purpose this definition, native lumber shall be restricted to use in one-and two-story dwellings, barns, sheds, agricultural and accessory buildings and structures and other uses as permitted by 780 CMR 23.

Person: Individual, partnership, corporation, trust, joint venture, etc.

Wood Producers: Persons or corporations in the business of milling wood into native lumber within the Commonwealth of Massachusetts.

R4.1.3 Registrants: No person shall engage in the producing of native lumber for use in buildings or structures within the Commonwealth of Massachusetts unless registered by the BBRS.

R4.1.4 Application for Registration: Each person desiring to obtain registration as a wood producer of native lumber shall make application to the BBRS upon such form and in such manner as the BBRS shall prescribe and shall furnish evidence satisfactory to the BBRS that he is qualified to be registered in accordance with 780 CMR R4.

R4.1.5 Application Fee: Applications shall be accompanied by a registration fee of \$50.00. This initial registration fee shall be for two years. Registration shall be reviewed every two years in accordance with 780 CMR R4. The fee thereafter for a two year renewal shall be \$25.00.

R4.1.6 Renewals: Registration shall be valid for two years and shall be renewed biennially. Within 30 days before the expiration date of any such registration, the Administrator of the BBRS shall forward to each person so registered an application form for renewal. The said Executive Director, upon receipt of the completed form and fee, shall renew the registration for a period of two years or notify such applicant of his refusal with reasons thereof. *Any application for renewal of registration which has expired shall require the payment of a new registration fee.*

R4.1.7 Pre-qualifying Agency: The BBRS hereby designates the Massachusetts Wood Producers' Association as its pre-qualifying agency, providing, however, that the BBRS may revoke such designation at any time and may designate any other agency or agencies which it deems qualified, from time to time, to act as its pre-qualifying agency for pre-examination registration.

R4.1.8 Penalties: Any such person who fails to comply with the requirements of 780 CMR 4 or who files a false report shall be subject to the penalties and actions as prescribed in 780 CMR 118.

780 CMR 4.2 REGISTRATION

4.2.1 Stamp: Each person registered by the BBRS shall be issued a name and number for use in stamping or certifying the native lumber which he produces.

4.2.2 Stamp Contents: Each stamp filed with the BBRS shall be a minimum of two inches by four inches with a minimum of 36 pt. letters and shall contain the following information:

- a. Name of native lumber producer;
- b. Registration number; and
- c. Species of wood.

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4.2.3 Stamp Use: Each piece of native lumber produced shall bear the stamp so registered with the BBRS.

4.2.4 Stamp - Unlawful Use: Each registered mill shall be assigned an individual number. It shall be unlawful to use such registration number in any mill other than the mill so registered.

R4.2.5 Stamp - Manufacture: Each producer shall be responsible for the manufacture and use of his stamp in accordance with the requirements of the BBRS and 780 CMR R4.

**780 CMR R4.3 REVOCATION AND
SUSPENSION PROCEDURES**

R4.3.1 Revocation and Suspension: The BBRS on its own initiative or upon the recommendation of the Construction Materials Safety Board may suspend or revoke the registration of any such mill registered in accordance with 780 CMR R4, 780 CMR or the standards of good practice. Notice of suspension or revocation of such registration shall be in writing with the reasons for suspension or revocation clearly set forth therein, and served in accordance with 780 CMR 118.6.

R4.3.2 Notice and Conference: Prior to suspension or revocation of the registration of any such mill so registered, written notice of such intent shall be served by the Construction Materials Safety Board in accordance with 780 CMR 118.6. Within ten calendar days of receipt of such notice, the affected mill may request a conference before a three member panel designated by the Chairman of the Construction Materials Safety Board, who will hear facts and make their recommendations to the Construction Materials Safety Board.

R4.3.3 Effect of: Upon suspension or revocation of the registration of any such mill so

registered, such mill shall immediately cease engaging in the stamping or certifying of native lumber. The filing of an appeal with the State Building Code Appeals Board shall stay such suspension or revocation subject to 780 CMR 122.3.2.

780 CMR R4.4 APPEALS

R4.4.1 Building Code Appeals Board: Anyone aggrieved by the decision of the BBRS, the Construction Materials Safety Board, the Massachusetts Wood Producers' Association or others may appeal to the State Building Code Appeals Board in accordance with 780 CMR 122.

780 CMR R4.5 QUALIFICATION

R4.5.1 Evaluation: Evaluation by the pre-qualifying agency shall be required prior to registration of a mill subject to 780 CMR R4. The agency shall examine and evaluate the application of all mills and make its recommendations to the Construction Materials Safety Board. The Construction Materials Safety Board shall make its recommendations to the BBRS who shall act on the application of the mill so requesting registration.